

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
ST. LOUIS DIVISION**

RADHA GEISMANN, M.D., P.C., individually)	
and on behalf of all others similarly situated,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No.
)	
GE HEALTHCARE, INC.,)	
)	
<i>Defendant.</i>)	

NOTICE OF REMOVAL

Defendant GE Healthcare, Inc. (“GE Healthcare”), by its undersigned attorneys, and pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, removes the action described below from the Circuit Court of St. Louis County, Missouri. In support of this Notice of Removal, GE Healthcare states as follows:

1. GE Healthcare is the only named defendant in a class action lawsuit that was filed on March 2, 2015, in the Circuit Court of St. Louis County, Missouri, styled *Radha Geismann, M.D., P.C. v. GE Healthcare, Inc.*, No. 15SL-CC00779. A copy of the entire state court file, including the Plaintiff’s Complaint, is attached hereto as **Exhibit A**.

2. On March 19, 2015, Plaintiff served GE Healthcare’s registered agent with the Complaint and Summons in this action, along with Plaintiff’s Motion for Class Certification and certain unfiled discovery requests.

3. On April 10, 2015, GE Healthcare timely filed this Notice of Removal within 30 days of being served with the Complaint and Summons. See 28 U.S.C. § 1446(b).

4. GE Healthcare removes this case on grounds of federal question jurisdiction pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367.

5. Count I of Plaintiff's Complaint alleges a violation of a federal statute, the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, which provides federal question jurisdiction in this Court pursuant to 28 U.S.C. § 1331. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 753 (2012) ("Nothing in the text, structure, purpose, or legislative history of the TCPA calls for displacement of the federal-question jurisdiction U.S. district courts ordinarily have under 28 U.S.C. § 1331."); *Brill v. Countrywide Home Loans, Inc.*, 427 F.3d 446, 450-51 (7th Cir. 2005) (holding that defendant had removal rights under §§ 1331 and 1441 because a TCPA claim "arises under federal law").

6. Counts II and III of Plaintiff's Complaint assert claims for common law conversion and violation of the Missouri Consumer Fraud and Deceptive Business Practices Act, respectively, both of which are based on the same facts alleged for the TCPA claim in Count I. Because these state law claims are so related to the TCPA claim that they form part of the same case or controversy under Article III of the United States Constitution, this Court has supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1367(a).

7. GE Healthcare, in accordance with 28 U.S.C. § 1446(d), will promptly serve a copy of this Notice on counsel for Plaintiff and will file a copy of the Notice with the Clerk of the Circuit Court of St. Louis County.

8. There are no other cases related to the instant action, and GE Healthcare has not attempted to remove this case previously.

WHEREFORE, Defendant, GE Healthcare, Inc., respectfully removes the above-captioned action from the Circuit Court of St. Louis County, Missouri.

Dated: April 10, 2015

Respectfully submitted,

GE HEALTHCARE, INC.,
Defendant

By: s/ Christine Czuprynski
One of Its Attorneys

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